

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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Informed Action Consent Network,

Plaintiff,

—v—

United States Food and Drug Administration,

Defendant.

20-cv-00689 (AJN)

ORDER

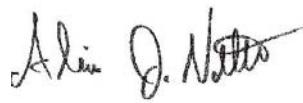
ALISON J. NATHAN, District Judge:

On September 24, 2020 Magistrate Judge Aaron issued an order granting Defendant's motion to quash Plaintiff's unauthorized discovery requests. *See* Dkt 25. Plaintiff objected, pursuant to the Federal Rules of Civil Procedure Rule 72(a), which allows a party to "file objections to the order within 14 days after being served with a copy," after which the "district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a). *See* Dkt. 28.

Magistrate Judge Aaron's order is not clearly erroneous or contrary to law. Judge Aaron correctly interpreted the Court's June 3, 2020 order as permitting Plaintiffs to *seek* discovery, not that Plaintiff had a right to any particular form of discovery. Dkt. 13. Moreover, because this case was filed under the FOIA, Plaintiff "cannot serve discovery demands before a holding by the Court that the plaintiff has shown agency bad faith or that the agency has not met its burden under FOIA." *See Grand Cent. P'ship, Inc. v. Cuomo*, 166 F.3d 473, 489 (2d Cir. 1999). Judge Aaron did not err in determining that Plaintiff had not made the requisite showing here.

SO ORDERED.

Dated: October 26, 2020
New York, New York



ALISON J. NATHAN
United States District Judge